









## BAPTISTS STIRRED UP

**ELDER MARTIN JOINS THE CHURCH  
AGAIN.**

**The Noonday Association Likely to Take Up  
the New Doctrine—Rev. Thad Pickett  
Making a Fight on Elder Martin.**

CANTON, Ga., August 4.—[Special.]—Elder M. T. Martin, of Texas, who has recently stirred up so much excitement among the Baptists of Georgia by preaching at some of the churches, and claiming to be a new doctrine and which Dr. H. H. Tucker, of the Christian Index, pronounces a "heresy," has united with the Baptist church at Woodstock, in this county. During last week he was

DEPOSED FROM THE MINISTRY

by his church in Waco, Texas, on the grounds of teaching and preaching a doctrine at variance to the established doctrines of the Baptist church.

but no charge was made or can be made against him as a moral Christian gentleman, hence he was only deposed from the ministry, his church membership not being at all affected. He, however, asked for his letter, which was granted, and on Thursday night he placed it in the church at Woodstock, and was afterward licensed by that church as a preacher. So he has as much power as when in Texas. A few weeks ago Elder Martin preached at this place, Woodstock and Noonday, at each of which churches many were converted and joined the church. At Woodstock there were

erely converts, fifty-three of which were members of the Baptist church at that place and Sunday were baptized. A number of the church members were also baptized at Canton, and the influence of his preaching and the new doctrines he seems to put forth the Baptists of north Georgia are greatly stirred, and

REV. THAD PICKETT,

If this county, has taken it upon himself to meet and refute the doctrine of Elder Martin. The Noonday Baptist association is now in session at Noonday and it is probable that some action will be taken on this matter, and it will be almost impossible to close the ses-

THEIR REFERENCE BEING MADE TO IT. Elder Martin, A. B. Vaughan and others are here to defend the doctrines preached, and there are also some of the best men of the present who do not fully agree with Kevlar, Martin, Vaughan and others. The local association will take the action this association will take, and some have gone so far as to predict that a new association will be formed out of the Canton, Woodstock, Noonday, probably including the churches of the former churches to be known as the Woodstock association, in which event the remaining churches of the old Noonday would merge with other neighboring associations. But this is all wild speculation, as nothing whatever

utter at the association. Several churches in the northern part of this county and in the counties north and east of us are said to have passed resolutions refusing to send their pulpites to Elder Martin or any one who preaches the same doctrine here. Rev. Pickett's hand seems to be fixing matters pretty considerably against Elder Martin. Mr. Martin is a fine preacher, ready reasoner, and an eloquent, instructive and entertaining speaker. Since he has left the church at Woodstock it is presumed he will come to make Georgia and this section his home.

**SLASHED WITH A RAZOR.**

**Terrible Case of Suicide in Early County.**

From the Blakely, Ga., News.

J. F. Gay, who lived on Mr. William Lester's place in the town of Northwood, last year mortgaged his property to Thomas Anderson in Blakely, but when fall came Gay hid his crop, etc., in Columbia, Ala., and left for Florida. At October term of court the sheriff found a writ against him for failing mortgaged property. A requisition on the governor of Georgia was recently secured, and last week Sheriff Black and Mr. H. Taylor went after Gay. They found him about twelve miles below Cottondale, Fla., and returned to Blakely. He was ordered to come by his home, which was

eriff kindly granted, and he was with his  
mily two or three hours. Then he wanted to  
go by his brother's. This he was permitted to  
also. When he asked permission to walk  
out at bedtime, the sheriff granted him  
company with his son. Knowing there was little  
chance for him to escape the sheriff allowed  
him to walk several hundred yards with his  
family. When told to get in the buggy, so that  
they might not be seen, Jack begged for a  
few more minutes respite. Jack was granted  
just as soon as the sheriff's back was turned  
a moment he whipped out his ra or, hal-  
lowed "good-bye," and cut his throat with the  
razor. The sheriff ran to him, but he had in-  
stantly expired. The sheriff was in a few min-  
utes. The boy was a full grown child, but he

going to kill himself, but he would not let the sheriff because told not to do so. A jury of inquest was summoned and found a verdict of suicide.

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TESTED AUG. 16, 1887. IMPROVED FEB. 1, 1889.

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[illegible]

IN EFFECT SUNDAY, JULY 7, 1890.			
City	No. 1. Passenger STATIONS. Daily.	No. 2. Passenger STATIONS. Daily.	No. 4. Passenger STATIONS. Daily.
9.00 a m	L CHATT A	6.10 p m	A10.20 a m
9.00 p m	" " Shops.	6.00 p m	10.15 a m
9.25 a m	Bolt Cross		
9.25 p m	Middle	5.40 p m	9.52 a m
9.40 a m	Crawfisp	5.30 p m	9.40 a m
9.52 a m	Rock Spg	5.20 p m	9.28 a m
9.52 p m	L Parkers	5.01 p m	9.08 a m
10.00 a m	" " " "	4.50 p m	8.52 a m
10.20 a m	" " Guild		
10.25 p m	M R'n line	4.25 p m	8.30 a m
10.48 a m	Trice	4.25 p m	8.30 a m
10.52 p m	" " "	4.22 p m	8.22 a m
11.11 a m	Rae Mills	4.01 p m	8.11 a m
11.22 a m	" " "	3.50 p m	8.00 a m
11.22 p m	" " yerly.		

p	11.00 a.m.	Harle.	3.85 p	4.35 a
p	11.05 a.m.	Harle.	3.85 p	4.35 a
p	11.50 a.m.	Camp.	3.15 p	7.24 a
p	12.15 p	Lavender		L.60 a
p	12.15 p	Harle.	L.254	A.46 a
p	A12.30 p	Rome.	L.240 p	
p	L.25 p	Rome.	A.230 p	a m
p	12.45 p	E. Rome.	A.230 p	
p	12.45 p	S. Rome.	3.75 p	6.30 a
p	1.07 p	Sund.	2.02 p	6.17 a
p	1.25 p	Sum'twn	L.145 p	6.00 a
p	1.45 p	Youngs	A.135 p	
p	2.12 p	Dug Twn.	12.05 p	
p	2.20 p	Pelton.	1.52 p	
p	2.42 p	Buchanan	1.52 p	
p	A.00 p	Kramer.	12.15 p	
p	L.30 p	Kramer.	12.01 p	
p	3.00 p	Harle.	3.85 p	
p	A.15 p	BNA & C.	L.11.40 a	



## THE CONSTITUTION.

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ATLANTA, GA., AUGUST 5, 1889.

## The Oyster Bill.

In another column will be found some facts of interest concerning the oyster industry of Georgia and the laws governing it.

The importance of providing some laws for the protection and development of this industry must be evident to anybody who investigates the matter. The legislature now has a chance to take a step which means the building up in Georgia of an industry which will be second probably only to agriculture, which will add thousands of dollars to the school fund and to the taxable valuation of the state, and will in many ways add to Georgia's material wealth.

Mr. Postell's bill, which comes up before the house today, has the unanimous support of the house committee on agriculture, its various provisions having been agreed upon by all the parties most interested in it. The bill in its present shape may or may not be just the one to be passed, but the importance of some legislation upon the subject is certain.

## The Silly Season.

The dog days are on us. Sirius is blazing down, while the sun shines and the stars are somewhere in his neighborhood. Pope, who was a poutice around his head, and who was a good all-around man in a sleeping match, made some remarks about the raging dog-star; but this was considered to be poetry until the astronomers discovered that summer has its drawbacks, and that the dog-star is on top when the sun shines hot.

These symptoms are not to be ignored any more than the thermometer is to be thrown aside—albeit the thermometer is a frail affair when applied to human temperature. Under the dispensation of the thermometer what is hot is not hot, and what is cold is hotter than blazes, and so it goes. The rains that ought to cool off the body politic merely heat the city and the legislature; so that we know not what laws the council will make or what bills the legislature will pass. It is truly the silly season.

## We Must Feed the World.

Ours is the only civilized country blessed with good crops this year.

It is now clearly certain that in addition to the food yield in the southern states the great north-west will produce a surplus crop of wheat for export.

The general failure of the farmers abroad will make the demand active for everything that we cannot use at home. Russia has a bad wheat outlook and dreads a famine. The grain prospect in Hungary, Roumania, Galicia, Silesia, Bohemia and Moravia is very gloomy. India will be short 15,000,000 bushels of wheat. In France the estimates have fallen twenty per cent. England will be in a bad fix without six weeks of unbroken sunshine—something not to be hoped for.

## A Northern Summer "School."

We gather from a leading Boston newspaper some particulars of the final session of "the summer school" at Deerfield, in the grand and glorious old state of Massachusetts.

At this final session, which was held "as usual," according to our able contemporary, "in a down-pouring rain," the tendency of American fiction was discussed, and it seems natural, under the circumstances, that the atmosphere should be somewhat humid. We have discovered, for instance, that it rains every Sunday in Georgia when THE CONSTITUTION contains less than ten original poems, and it frequently rains anyhow. We are not surprised, therefore, to learn that the summer school at Deerfield has been compelled to go out in the bushes and write its clothes dry after discussing the tendencies of modern fiction. The result of the whole business was a deserved if not a familiar wetting.

The affair was opened by an address from President Luther J. B. Lincoln, who is said to have glanced briefly at what American fiction has been from the time of Charles Brockton Brown down to the present. Just who Charles "Brockton" Brown was we may leave our Boston contemporary to explain; but we may be sure that what appears in a Boston paper in regard to a literary man is a true and faithful report.

The summer school at Deerfield seems to have impressed Robert Louis Stevenson, who wrote that he would be glad to come among them but for the fact that he was afraid he would be made a lion, and as he is considerable of a lion, with his cigarettes and Scotch whisky, it is probably a good thing that he was unable to make his appearance.

But Mr. George W. Cable was on the spot, as usual, and made a beautiful address, in which he made some curious remarks about the duties of managing editors. This, as showing the tendencies of modern fiction, was simply side-splitting, and it was followed by as much discreet applause as the occasion would admit of. He remarked that "a merely married couple would not do—that there must be a trinity of forces." Whether this refers to the trinity of fiction, or to the fiction of married life, it is impossible to say; but we are sure that Mr. Cable knows, or intended to know, what he is talking about.

Mr. Henry James writes a letter that is worth all the fol-de-rol of the occasion, and the point of it is, if you want a novel to suit yourself, write it yourself and from your own point of view. In other words,

shoot the public in the midriff with an affair that is entirely agreeable to you.

Thank heaven, the practical publishers are between Mr. James and the people for whom he writes. Mr. James is a pretty good man himself, as his "Portrait of a Lady" shows, but his advice is satiric and frivolous. And yet it is not more frivolous than the suggestion of Mrs. Cella P. Woolley, of the Eugene Field Woman's club of Chicago, who announced, according to the Boston Post, that the influence of western fiction had brought justice to the boodle gang.

This is very fine and very beautiful, but we advise the Deerfield summer school to hold its meetings in mid-winter.

## The Maybrick Case.

Pretty Mrs. Maybrick, who is now on trial in Liverpool for the alleged poisoning of her husband, may be guilty, but it is possible, even probable, that she is innocent.

There is a division of opinion, even in Liverpool, and the fair defendant's attorney, Sir Charles Russell, the most famous jury lawyer in England, was cheered by the crowd, the other day, when he came out of the courthouse.

But testimony, and not sentiment, will control the jury, and it must be admitted that the outlook is very black. Mrs. Maybrick and her husband sometimes quarreled. Some of the witnesses swore, perhaps falsely, that the lady has a lover. Mrs. Maybrick occasionally administered the medicine to her husband when he was dying. The dead man showed all the symptoms of arsenical poisoning. Arsenic was found in the house—plenty of it. It was in the medicine. It was in Mrs. Maybrick's boxes and closets, and traces of it were in her pockets.

All this has a bad look, but there is evidence to show that both husband and wife used arsenic habitually. An overdose may have been administered without any criminal intention.

Mrs. Maybrick belongs to an estimable southern family. Hosts of people in Alabama and Virginia know her intimately, and in their estimation she is a refined and gentle woman, incapable of crime. Unfortunately her mother, Baroness Roque, has figured in more than one scandal, and this fact has more or less injured the daughter.

Briefly, this is the outline of the case. Under the circumstances Mrs. Maybrick will have many sympathizers. The evidence against her is almost entirely circumstantial, and in this country no jury would send a woman to the gallows without more convincing proof. What an English jury will do remains to be seen.

## The Luck of a Scamp.

Sometime last year a fellow turned up in Washington, and immediately made a reputation as a swindler.

He called himself Newman, but it subsequently appeared that he was known in various parts of the country as Hughes and as St. Clair. He swindled his employers, and defrauded a lady by promising to marry her. His business transactions brought him under the ban and caused him to be sent to jail.

Now comes the interesting part of the business. The other day Newman received a telegram stating that his uncle had died in San Francisco, leaving him an estate worth \$500,000.

Of course this is no reason why Newman should not suffer for his misdeeds, but most people think otherwise. It is one thing to punish a penniless adventurer, and quite another thing to punish a man with half a million dollars.

After such a piece of luck it goes without saying that Newman is all right. Prison wardens, and still higher authorities, will find it difficult to ignore the fact that he is a rich man. In all probability he will be pardoned and turned loose upon the world.

A fool for luck is an old saying. But what is the matter with a scamp? Newman will now step from his prison cell into the best society, and become a shining light in the social world.

Ought to Strike a Medium.

There has been a great change in Cincinnati in fifty years. Mrs. Trollope, a very disreputable name to American ears, said in her book on America about Cincinnati: "I never saw any people who appeared to live so much without amusement as the Cincinnatians. Billiards are forbidden by law, so are cards. To sell a pack of cards in Ohio subjects the seller to a penalty of \$50. They have no public balls, excepting, I think, six during the Christmas holidays. They have no concerts. They have no dinner parties."

Now they are not willing to rest one day in the week from fun and frolic, and when the police try to close the saloons on Sunday there is a riot. All this, no doubt, results from overdoing matters fifty years ago. If Cincinnati would strike a happy medium it would be better for all parties concerned, and there would not be near so much hypocrisy on either side.

EDITOR LARRY GANTT was in the city yesterday organizing a missionary society.

PAT CALHOUN'S last card in regard to the Olive bill seems to have paved the way for a clearer understanding. "Let me write a card to the people," said a great statesman, "and the grinders of the hand-organ may play their tunes on every street corner."

A SUMMER school at Deerfield has been discussing the great subject of novels. We believe that the time has arrived when a summer convention of poets would attract attention to Atlanta.

THE Georgia watermill has made a name for itself. The Georgia postmill will have its inning next.

## EDITORIAL COMMENT.

WHEN SOUTH CAROLINA CALLED upon the governor of Pennsylvania for a fugitive negro preacher charged with crime, the governor refused to deliver him until he received assurances that the prisoner would receive a fair trial. There was no excuse for such an attitude to South Carolina.

WHEN COUNT TOLSTOI quit smoking he had to quit writing. If he resumes his writing he will be smoking again before long, unless he changes for the better.

THE CHICAGO JOURNAL says that when ex-Senator Kiddlebarger is sober he is a republican, but when he is drunk he is a mugwump.

THE WASHINGTON STAR SAYS: "The feature of life in thinly settled communities which most forcibly impress the thrice-bred observer is the way of terrorism which one man, or a small group of men, can exert over a great number, not by bearing the insignia of authority, but by defining the state and the moral law. In theory, society is always more powerful than the individual; but in fact it is not infrequently the reverse, as in the case of

Rube Burrow, in Lamar county, Ala., that the influence which he has exerted over the rural districts of Alabama has been the cause of his position against assault may be for a while a practical dictator. The oldest thing about it all is that the very mountains which will let an outlaw fling contempt in their faces day after day for the lack of nerve to capture or kill him are perhaps the same material out of which an army could be recruited tomorrow in the event of a war, and would face cannon or musketry, or a hedge row, or beyond without flinching. The revolver or rifle of a desperate man is more dreaded by them than a whole park of artillery in the hands of a company of soldiers in training. In the amenities as well as in the duties of their bloody craft.

SPRINKLING of the recent killing of Editor Hull by Editor Welsinger at Rosedale, Mississippi, the Memphis Appeal advises its readers not to lose their temper when they are attacked in the newspapers. Hull wrote some foolish abuse of Welsinger, and Welsinger shot him to death. His enemy's blood. The Appeal says: "Thus comes to a dreadful end the life of a man who had shown capacity to do good work in his chosen field of life. At this distance, and with the faintest recollection of the facts, we cannot say that the killing was just. It is clear, however, that the assault made by Hull in the columns of his paper, against Welsinger, was contrary to that courtesy which should obtain among journalists; but it is difficult to see why Welsinger should have taken to him to murder, and deemed his honor jeopardized. There is, possibly, something back of it which will be revealed in time. Let us hope that this is the last tragedy of which the history of the southern press is to print. It has led to a vast deal of bloodshed."

THE LATE PRESIDENT BARRIOS, of Guatemala, must have been all sorts of a man. Recently he was shot by a party of revolutionaries. He was about to publish the dead man's biography; the authorities suppressed it on the ground that it would be a scandal to the nation.

THE EARL OF FIFE would not permit his tenants to make a bride present to his wife. He wrote to them that he appreciated their friendship very highly, but that it was not a time for them to be spending money for anything but the necessary things of life.

ONE of the most popular lecturers at Monticello this season is James Maurice Thompson, the novelist. Mr. Thompson is a Georgian who has won fame and fortune since he left his native state.

WHETHER JOHN L. SULLIVAN is fined or imprisoned, it is safe to say that there will be no more prize-fighting in Mississippi. When a southern statesman is fined for violating the law it is a hard matter to down him.

## PEOPLE HERE AND THERE.

CARNOT.—President Carnot, of France, never makes a blunder, but is painfully stiff and stilted. ABBOTT.—Emma Abbott is having a \$4,000 dress made.

BRECKINRIDGE.—Congressman Breckinridge, who spoke at the dedication of the Plymouth monument, is a Presbyterian elder.

SMITHS.—There is 1,200 Smiths in the postal service.

DAWSON.—Mrs. Dawson, of Charleston, is summing in Asheville. The French maid, who figured in the house of the late John A. Edmonson, is now in the hands of the law.

CARTER.—When Mrs. Leslie Carter goes on the stage, she will wear the \$1,000 wrap made famous by the recent divorce case in Chicago.

## LETTERS FROM THE PEOPLE.

A White Mockingbird.

ST. STEPHENS, Ala., July 31.—Editor CONSTITUTION:—I have just seen or heard of a white mockingbird? I have one which is perfectly white, with red eyes and is a sweet singer. It has two mates, one of which is also white. The other is a beautiful blue bird. I am glad to hear if any person has seen or heard of any bird like this.

Archaeological Discoveries in Mexico.

CITY OF MEXICO, August 4.—Recently returned explorers from the state of Chiapas confirm and add to remarkable reports concerning important archaeological discoveries. A fine broad paved road, built by prehistoric inhabitants, has been traced from Tonala down into Guatemala, and thence in a curve up again into Mexico, terminating at Palenque. All along this road are still to be seen the remains of ruined cities, and a careful estimate of the population of these places is about 30,000,000. At that part of the road near Palenque the ruins are of great magnitude. Houses four and often five stories high, and in the depth of the forest. Many of these houses are pyramidal in form, and so covered are some of them with vegetable mold that large trees are growing from the roofs. In some of the houses great employment has been made of iron, and the architecture indicates a high degree of scientific attainment. In some houses visited, bronze lamps have been discovered, and the interior of the exterior mural decorations of the most beautiful and elaborate kind. The houses are filled with elaborately carved figures almost life size, two types of men and women being represented, some plainly Egyptian and others genuine Africans. In front of the houses the explorers found fourteen sculptures of gods with folded arms.

The work of exploration was one of extreme difficulty, owing to the density of the forest and the unwillingness of the Indians to enter the ancient edifices, the exploring party being accompanied by a body of soldiers. Another discovery was that an enormous paved road extends from Palenque across Yucatan to the island of Cozumel, and is continued on the coast. The explorers were to the island on private business, but incidentally became interested in the work of exploring the ruins, and they suggest that the government fit out an expedition to make a complete map of this wonderfully interesting region, including which little is comparatively known, even after so many years since the white men became aware of its existence. Palenque explorers assert that they have discovered in the edifices the most important bones of prehistoric man. One of these is scientifically true. It may be that he has recently arrived from India, and by his account the region from Chiapas to Yucatan must have been the seat of a densely populous nation.

## HE WROTE A POEM.

SAN FRANCISCO, August 4.—Through the efforts of President Harrison's wife a convict in San Quentin prison, who was serving a seven years' sentence for forgery, was pardoned this week by Governor Waterman. The man had been convicted of forging a note while intoxicated. Soon after Harrison's nomination he wrote a poem entitled "The Old Soldier," which was published in an evening paper. The poem was so good that the prison authorities at the battle of Read in the rebellion. The poem was copied widely at this case, and soon after Harrison's election one of the prisoners sent it to Mrs. Harrison with a brief account of the poet's life. His name was John A. Edmonson. The released convict expressed great gratitude to Mrs. Harrison, and declares that her sympathy has made him a slaveholder, as were all these men, and as many other good men whose lives were more conspicuous than the humble writers. If it is a crime to have been a slaveholder, or to have been reared to the wish of a negro driver's whip, every southern senator who sits in his seat may be thus taunted by any impudent puppy who happens to have been reared there, or to have had no rearing at all, and therefore, is a free privileged to believe and abuse decent people.

Beecole Sayings.

The phrases of country people are often picturesque enough, says the Boston Courier, and one who takes the trouble to pick them up is not long in making an interesting collection. As a contri-

bution to such a collection may be offered a couple of remarks made by a woman in the rural districts of Maine. In speaking of a neighbor who was rather remarkable for her thinness the old lady observed: "In her squinty eye, and with the usual twinkling in her eyes."

"Well, yes; Miranda ain't got no more flesh on her bones than there is on a hen's forehead."

On another occasion, when the old lady was considerably annoyed by a neighbor who was always saying that she was a neighbor who often excited her disapproval, she broke out with:

"And as for that Maria Jones, she's just a piece of the old boy left in the world for seed and that's just what she is and nothin' else."

## AT CHAUTAUQUA YESTERDAY.

Today.

The principal exercises at Chautauqua yesterday were the sermons of Rev. John J. Lafferty, D. D., and Rev. John DeWitt Miller. Dr. Lafferty preached at 11 a. m. and Dr. Miller at 3:30 p. m., and both were masterpieces of profound wisdom and research in Biblical history.

The Assembly Bible school, conducted by Dr. T. D. Davidson, at 3 p. m., and the Chautauqua Vespers, conducted by Dr. A. H. Gillett, at 5 p. m., were both very interesting services, and were highly enjoyed by all present. There is not a more pleasant, quiet or attractive place anywhere, nor a place where one can better enjoy himself a day than at Chautauqua. The programme for today is splendid, and should be attended by thousands of Atlanta's appreciative people. The music of the famous Weber band alone would more than amply repay any one who visits Chautauqua. This is the finest combination of musicians ever brought together under one management in Georgia, and the music loving people of Atlanta will be ready to testify to the excellence of the band. Each individual member of the band is a soloist, and besides has a national reputation as a musician. The manager, William C. Weber, is personally in charge of the band, and directs all the music. This of itself is a guarantee of the excellence of the music. Don't fail to go out today, and every day from now to the close of Chautauqua.

Leon H. Vincent, the world renowned lecturer, arrived at Chautauqua yesterday, and will be ready to occupy the time the next day. Here is the programme, and a finer one has not been seen on the platform. Let Atlanta's people turn out en masse and see and hear the great attraction.

MONDAY, AUGUST 5TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

TUESDAY, AUGUST 6TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

WEDNESDAY, AUGUST 7TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

THURSDAY, AUGUST 8TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

FRIDAY, AUGUST 9TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SATURDAY, AUGUST 10TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SUNDAY, AUGUST 11TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

MONDAY, AUGUST 12TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

TUESDAY, AUGUST 13TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

WEDNESDAY, AUGUST 14TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

THURSDAY, AUGUST 15TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

FRIDAY, AUGUST 16TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SATURDAY, AUGUST 17TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SUNDAY, AUGUST 18TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

MONDAY, AUGUST 19TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

TUESDAY, AUGUST 20TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

WEDNESDAY, AUGUST 21ST.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

THURSDAY, AUGUST 22ND.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

FRIDAY, AUGUST 23RD.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SATURDAY, AUGUST 24TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SUNDAY, AUGUST 25TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

MONDAY, AUGUST 26TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

TUESDAY, AUGUST 27TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

WEDNESDAY, AUGUST 28TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

THURSDAY, AUGUST 29TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

FRIDAY, AUGUST 30TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SATURDAY, AUGUST 31ST.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SUNDAY, AUGUST 32ND.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

MONDAY, AUGUST 33RD.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

TUESDAY, AUGUST 34TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

WEDNESDAY, AUGUST 35TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

THURSDAY, AUGUST 36TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

FRIDAY, AUGUST 37TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SATURDAY, AUGUST 38TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

SUNDAY, AUGUST 39TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

MONDAY, AUGUST 40TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

TUESDAY, AUGUST 41TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

WEDNESDAY, AUGUST 42TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

THURSDAY, AUGUST 43TH.

11 a. m. Lecture—Mr. Leon H. Vincent, Philadelphia, Pa. 3 p. m. Concert—The Weber Band.

FRIDAY, AUGUST 4















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The Little Rock and Memphis is the only line out of Memphis with double decker, connection for Texas points being made in one hour at all other lines.

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The Little Rock and Memphis is the only line out of Memphis with double decker, connection for Texas points being made in one hour at all other lines.

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## THE SUPREME COURT.

DECISIONS RENDERED WEDNESDAY JULY 31, 1889.

Hon. E. B. Rucker, Chief Justice, and Hon. T. J. Simmons, Associate Justices. Not Preceding—Reported by Peoples and Stevens, Supreme Court Reporters.

De Vaughn et al. vs. McLeary. Complaint for land, from Clayton. Non-suit. Willa. Remainers. Election. Trusts. Arbitration and award. Guardian and ward. Practice. Ratification. Deeds. Forgery. Burden of proof. Husband and wife. Tenants in common. Parties. Before Judge Richard H. Clark.

Simmons, J.—Henry McLeary died testate in 1853. By the third item of his will, he devised \$3,000 in cash to his wife, Martha, and directed his executor to take the money and with it to land for his wife. He directed that the property should go to his wife for life, though if she should marry after his death, he wished his executor to take the management of the property and apply the income of it to the support of his wife and the support and education of his minor children. He further directed that, after the death of his wife, the property should be sold and equally divided among all his children. The executor purchased the land, taking the deed "to himself as executor, his heirs and assigns," and put the widow in possession. On December 27, 1884, in pursuance of an award under arbitration proceedings of that date, the widow sold her interest in the land to the executor, and the latter also received a deed, to which was signed the name of one Gay, who had married one of the testator's daughters, Pitt M. McLeary and J. W. McLeary, and Mrs. Travis. Mrs. Gay was in life, but did not sign the deed. The executor afterwards went into bankruptcy, returning the land as part of his assets; and his assignee, by order of court, sold it to a corporation which held a mortgage on it for the executor individually. The executor died in 1883, and there has been no representation on his estate, and no further representation on the estate of Henry McLeary. The life tenant died in 1885. After her death, Mrs. Gay and Pitt M. and J. W. McLeary, and Mrs. Allen (formerly Travis), children of Henry McLeary, and the sole heir of Mrs. Martin, a daughter of Henry McLeary, and the heirs of T. B. McLeary, a son of Henry McLeary, commenced their joint action in the statutory form for the recovery of the land against the corporation in possession and said corporation. Mrs. Gray died before the trial, and her husband was made a party plaintiff in her stead. J. W. McLeary, who had sold his interest to the executor, was withdrawn as a party plaintiff.

Heid, J. The land having been identified as that which the executor had bought under the direction of the testator, and the testimony of the plaintiffs being shown by their testimony, it was not error to overrule a motion for non-suit, made on the ground of the lack of identification of the premises in dispute. Besides, testimony was afterwards introduced by the defendant showing the identity of the land sued for and the interest of the plaintiffs therein. Jackson vs. Johnson, 67 Ga. 183; City of Atlanta vs. Ward, 73 Ga. 276.

The money which the testator directed to be invested in land for his widow for life, by the effect of such direction, converted into realty, and he died, leaving a will, Adams Ex. 136 and cit.; Shivers vs. Latimer, 20 Ga. 740; and numerous other authorities. And the testator's direction to sell the land after the death of his widow and divide the proceeds among all of his children converted the land again into realty from his death. 64 Am. Dec. 563-5; and other authorities. (a) The estate which the testator's children took in the property under the will was a vested remainder; and the character of the estate was not changed from a vested to a contingent remainder by the direction to sell the land, and the life tenant died, thereby making the character of the property was then changed to personalty. McGinnis vs. Foster, 4 Ga. 377-80; Legwin vs. McLeary, 79 Ga. 430; Lamar vs. Sheffield, 68 Ga. 711; code, §§2245-51; 43 N. Y. 269, 367-8.

(b) It was within the power of the remaindermen to make a re-conversion from personalty to realty by electing, after the death of the testator, to have the land converted into realty, to take the land instead of the proceeds thereof. Adams vs. Bass, 13 Ga. 110, 142; Swann vs. Garrett, 71 Ga. 566, 567-70; The Georgia Trust Co. vs. Rakestraw, 70 Ga. 806 (2); Cutliff vs. Boyd, 72 Ga. 282 (3), 313. The election must be made by all who are entitled to the property. The parties cited supra, Burck vs. Burck, 10 Ga. 174 (2), and other authorities. The defendants having bought the land as such having demised and holding it as land, and the plaintiffs being entitled to the land, and not for its proceeds, the land in dispute must be treated as land from the time of such election by plaintiffs. Note to Burr vs. Sims, 29 Am. Dec. 27.

(c) The executor was not, under the will, a trustee otherwise than as executor, and the trust under the will continued during the life tenancy, but did not necessarily extend beyond it. This being true, the legal title and right of possession to their undivided interest became vested in defendants as remaindermen and tenants upon the death of the life tenant, which gave them the right to bring ejectment, unless the defenses heretofore to be considered interposed a bar. Many authorities cited.

(d) The arbitration proceedings mentioned above were instituted under the provisions embraced in sections 4134, 4156, of the code of 1863. The submission shows that the controversy was between Mrs. McLeary, the widow, and her two sons, the executor's children, concerning her illegal loan of her money to J. W. McLeary and W. J. Gay, and her expenditure on her own account of other money belonging to them. The guardian, who was her executor, and no next friend or guardian ad litem was appointed to represent the interest of the wards. Guardians, as legal representatives, cannot submit to arbitration matters of controversy between themselves and their wards touching the estate or property of the wards. Code, §4225. The entire arbitration was, therefore, a nullity as to the wards. Poulain vs. Poulain, 79 Ga. 11.

(e) The fact that the award was entered on the minutes of the superior court, and only gave the award the force and effect of a judgment or decree of that court, and as the court had, under the award, no jurisdiction of the persons and subject-matter, did not prevent the award binding on the wards. Code of 1863, §§4161, 3513.

(f) The arbitration proceedings were also void as against Pitt M. McLeary and Mrs. Travis, whose names appear as subscribers to the submission, as both of these persons testified that they did not sign the submission nor authorize any one to do so for them, and that they had no knowledge of the arbitration until just prior to the commencement of this suit, and there was no evidence to the contrary.

(g) Grounds of a motion for new trial not certified to be true cannot be considered by this court. Authorities cited.

(h) To bind one by ratification of an illegal or void act, it must be shown that he had full knowledge at the time of the alleged ratification of the facts which would make such act illegal or void, and the burden of proving a ratification is on the party asserting it.

(i) While it was agreed in the submission to arbitration that De Vaughn would buy the life interest of the widow and pay over the consideration to the wards as they were entitled to the same, and that the executor was to convey the land to the corporation, the corporation, in consideration of the rights of the wards, confined their decision to what the guardian and those to whom he had illegally loaned her wards' money should pay the wards in satisfaction of their money demands; and the award is wholly silent as to their remainder interest in the land now sued for. Hence a ratification of the award to the extent of his interest therein by one of the wards, cannot deprive him or his heirs of the right to sue for his remainder interest in the land.

(j) No evidence was introduced showing that Pitt M. McLeary and Mrs. Travis had done anything by way of ratification of the award; and even had they received a portion of the money hereunder with knowledge of the fact, that would have been a ratification only to the extent of stopping them from

suing the guardian or her bondsmen, and the borrowers, for their portion of the money, because no other interest of theirs was passed upon by the award.

(k) Where an affidavit of forgery of a deed is filed, it simply leaves the burden of proof upon the party offering the deed, and no standing it has been recorded; and he must prove the execution of it just as though it had never been recorded. The affidavit of forgery is not proof of the fact of forgery, but only forms the issue on the question of forgery. Authorities cited.

Mrs. Allen, formerly Travis, having married her first husband before the passage of the "married woman's act" of 1868, and having survived her first husband without making a reduction of her interest in the property in dispute into his possession, and having married Mr. Allen after the passage of that act, is entitled to her interest in it in her own right, as if she had never married. As W. J. Gay had the power before that act to make an assignment of his wife's remainder interest so as to operate as a right in his assignee to reduce her interest into possession when the life tenancy terminated, provided he was then in life, he could exercise the same power after the passage of that act, which was not intended by retroaction to impair any existing rights of the husband over the wife's property. Many authorities cited.

It appearing from the above that all the plaintiffs in this action, in a proper suit, ought to recover, except Gay, and that he is not entitled to recover, it was error to refuse to charge as follows: "In this form of action, none of the plaintiffs can recover unless they all can. If you find that any one of them is not entitled to recover, you must find for the defendants as to all of them." Bohannon vs. Bond, 32 Ga. 390; Etowah vs. Alfred, 78 Ga. 845; Echols vs. Sparks, 79 Ga. 417, and other authorities.

Hillier &amp; Bro. and W. L. Watterson, for plaintiffs in error. Hall &amp; Hammond and Bigby &amp; Dorsey, contra.

Georgia Railroad and Banking Company vs. Nichols. Case, from Rockdale. Railroads. Damages. Negligence. Presumptions. Master and Servant. Wrongful Dismissal. New Trial. Before Judge Marshall J. Clarke.

Simmons, J.—The plaintiff having been employed by the defendant in connection with the construction of its track, and having sustained injuries by the breaking of a hammer in his hands furnished him by the company, and having been injured by the running of the cars or machinery by any other employee of the company, there was no presumption in his favor against the company under §3033 of the Code; but his case falls under the general law code of master and servant, under which the burden was upon him to show negligence on the part of the company in furnishing him with a defective hammer.

(a) The fact that this and other hammers were defective, and that the injury resulted therefrom, is not sufficient to authorize an inference of negligence on the part of the company in their purchase and selection. Wood Mast and Saw, §383, 362; Thompson Neg. §18; Pierce R. R. 382.

(b) A hammer thus used is not included in the term "machinery," as used in §3033 of the code. 3 P. R. R. Co. vs. Brooks, 4 South. Rep. 289.

(c) The verdict was contrary to law and evidence. Reid vs. C. R. Co., Pamph. Oct. 1888, P. 3.

Judgment reversed. J. B. Cumming, A. C. McCalla and Bryan Cumming, for plaintiff in error. J. N. Glenn and A. M. Speer, contra.

Brooks vs. Fowler, administrator. Equity. From Taylor. Husband and wife. Title. Gifts. Trust. Statute of limitation. Practice. New trial. Before Judge Smith. Blanchard, J., being disqualified, Judge Jenkins, of the Ocmulgee circuit was designated in his stead.

Jenkins, J.—Where a husband bought land and paid his vendor, as a part of the purchase price thereof, \$500 of his wife's money, and from the facts and the circumstances of the transaction it is fairly inferred that he intended all parties that the husband and wife should become the joint purchasers of the property, each to own an interest in proportion to the amount paid by them respectively, the mere fact that the legal title was made in the husband will not operate to defeat the wife's equitable title. As between the parties a trust in her favor was implied. Code, §2346, (9).

(a) While a wife may legally give her property to her husband, a gift will never be presumed. The evidence to support it must be clear and unequivocal, and the intention of the parties free from doubt. 73 Ga. 282.

(b) It does not appear that it was the purpose of the wife to lend her money to her husband, nor his to borrow; nor act showing that they intended the transaction as one giving a debt from him to her is disclosed by the evidence. If, however, there was no intention that they should jointly own the land, still if \$500 of her money was in fact paid upon its purchase by her husband, and his vendor knew this at first at the time of the transaction a trust will be implied in her favor, to the extent that her money paid for the land, as against both her husband and his vendor; and upon her election to treat an interest in the land as hers, the title to such interest should be protected and set up by appropriate decrees. Code §2416, 73 Ga. 276.

(c) The vendor having parted with both title and possession of the land under which his deed to the husband, who occupied it jointly with his wife, the presumption is that she has received whatever of income from it to which she was entitled by reason of any interest she may have had. But if she and her husband jointly owned it, and the husband received all its income, he and not his vendor should account therefor.

(d) Under the facts of the case, the wife was not entitled to a money verdict. The most she was entitled to was, to have the land sold and to share in the distribution of the proceeds, her interest being in the proportion of the principal of the vendor's debt; or the land could be partitioned so as to give her that proportion in the land itself. 79 Ga. 770.

(e) The vendor having removed from this to another state within less than one year after the date of the deed, the presumption is that she continuously until the bringing of this suit, the complainant's cause of action was not barred. Code §2323. Contrary rulings to this court were given under the law as it stood prior to the act of 1859. 69 Ga. 376.

(f) Though an issue submitted to the jury appears to have been sufficiently full, certain and definite to base a decree upon, if counsel desire to make it so upon the next trial, the court will doubtless amend.

(g) The court below did not err in refusing to render either of the decrees moved for by the defendants, nor in granting a new trial. Judgment affirmed.

W. S. Wallace &amp; Son, for plaintiff. O. M. Colbert and C. J. Thornton, for defendant.

Rheumatism and Catarrh. Rheumatism and catarrh are both blood diseases. In many severe cases they have yielded to treatment with E. B. B. (Rheumatic Blood Balm), made by Blood Balm Co., Atlanta, Ga. Write for book of convincing proofs. Sent free.

R. P. Dodge, Atlanta, Ga., says: "My wife had catarrh and nothing did her any good. Her constitution finally failed and poison got into her blood. I placed her on a use of E. B. B., and to my surprise her recovery was rapid and complete."

W. P. Macdonald, Atlanta, Ga., writes: "I was much afflicted with rheumatism and had no relief until I used E. B. B. and its effects were magical. I cheerfully recommend it as a good tonic and quick cure."

Mrs. Matilda Nichols, Knoxville, Tenn., writes: "I had catarrh six years and a most distressing cough, and my eyes were much swollen. Five bottles of E. B. B., thank God! cured me."

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Sedilla powder, full wt. 12 in box.

Pear's Soap, 3 cake box.

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Of the finest quality. Write for money order or postal note. Watch this list.

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The Old Lawshe Homestead

33 LOTS

on Green's Ferry, Roach, Larkin and Don streets, all covered with shade trees.

At Auction, Wednesday, August 7, at 3:30 P. M.

This property is close in, only one block from the Broad and Westview street car line, surrounded by factories, shops, etc., just as convenient as you could wish. All the lots are high, in fact, the old Lewis Lawshe homestead was one of the finest hills around Atlanta, covered with stately shade trees, streets all around; just the place to get you a cozy home or a nice place of renting property. Mrs. Reynolds is building a new store house and wants some more money, and has authorized us to sell this block of property. Never subdivided until now; you have the first chance. Take street car at our office at 3 p. m. for sale. Terms perfect. Terms of sale—third cash, balance 6 and 12 months, 5 per cent interest.

Dr. A. G. Haygood's place—11 acres 8 room house with all necessary outbuildings, fishpond, etc., at Decatur; only five minutes' walk from depot. The doctor will move to Sheffield, Ala., and has offered it as a bargain for one week.

Two acres near Ponce DeLeon Springs. Best residence on Washington street; large lot. 9 acres West End. 2 1/2 acres West End.

100 acres six miles from city; perfect view of city. A royal tract of land for subdivision nearly on a mile.

30 acres on Belt road near Van Winkle works. 8 room house, large lot, with all outbuildings. Large lot overlooking city and country, Boulevard. Large block on Washington street just outside city limits. Cut up and make money out of it. Choice lot Huntville avenue, in front of Baltimore block.

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July 28th 89

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A large tract that can be subdivided. Money in them.

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Vacant and improved property in the pretty little town of West End, street cars, schools, churches, brick and paved streets and cheap taxes.

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A beautiful lot east on Marietta st., near Halman's plow factory.

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